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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/536,804	11/10/2005	Magali Williamson	BJS-620-373	4496
23117 7590 01/16/2009 NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				
EXAMINER				
REDDIG, PETER J				
ART UNIT		PAPER NUMBER		
1642				
MAIL DATE		DELIVERY MODE		
01/16/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/536,804

Applicant(s)

WILLIAMSON ET AL.

Examiner

Peter J. Reddig

Art Unit

1642

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 24 December 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☒ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 106, 109 and 111.
Claim(s) withdrawn from consideration: 76-105 and 112-114.

AFFIDAVIT OR OTHER EVIDENCE

8. ☒ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Karen A Canella/
Primary Examiner, Art Unit 1643

Continuation of 3. NOTE: The amendment of the claims to include SEQ ID NO:112 would require further search and consideration and raises the issue of new matter as SEQ ID NO:112 was not included in the originally filed disclosure.

Claim 106,109 and 111 remain rejected under 35 U.S.C. 112, second paragraph, for the reasons set forth in section 3, pages 2-3 of the Office Action of 10/27/2008.

Applicants argue that the present amendment will obviate this rejection.

Applicants' arguments have been considered, but have not been found persuasive because the amendment has not been entered and will not be entered for the reasons set forth above, therefore the claims have not been amended and the rejections remain for the reasons previously set forth.

Claims 106, 109 and 111 remain rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement for the reasons set forth in section 4, pages 3-10 of the Office Action of 10/27/2008.

Applicants request reconsideration and withdrawal of the rejection in view of the following comments and the attached Wong et al ("Plexin-B1 mutations in prostate cancer" PNAS November 27, 2007, vol. 104, no. 48, 19040-19045).

Applicants argue that the Examiner is understood to believe that the specification lacks experimental data which shows that the claimed mutations are involved in the etiology of cancer, so one of skill in the art could, according to the Examiner, not predictably use the claimed methods for identification of an anticancer drug without undue experimentation.

Applicants argue that the Examiner is requested to see the attached Wong et al, which is a peer-reviewed publication co-authored by the present inventors which contains the mutation data which is set out in the instant specification. Wong et al also contains additional data which shows the functional effects of four separate plexinB1 mutations (A5359G; A5653G; T5714C and C5060T) in cultured cells.

Applicants argue that all four plexinB1 mutants were shown to decrease the shrinkage or collapse of COS-7 cells relative to wild-type plexinB1 (Wong et al; figure 3c) and to significantly increase the adhesion of HEK293 cells relative to wild-type plexinB1 (Wong et al; figure 3d).

Applicants argue that furthermore, plexinB1 mutation was also shown to significantly increase the rate of migration of HEK293 cells relative to wild-type plexinB1 (Wong et al; figure 4a) and to increase the invasive capacity of HEK293 cells relative to wild-type plexinB1 (Wong et al; figure 4b). Expression of plexinB1 mutants in HEK293 cells was also shown to significantly increase the percentage of cell spreading and average cell size relative to expression of wild-type plexinB1 (Wong et al; figures 5a and 5b).

Applicants argue that in addition, mutation of plexinB1 is also shown to inhibit RacGTP and R-Ras binding (Wong et al; figures 5c, 6a and 6b), which may contribute to the observed increase in cell adhesion and motility (Wong et al; page 19044 col 1 2nd para).

Applicants argue that the functional data set out in Wong et al provides further confirmation that plexinB1 mutation is functionally important in the etiology of cancer, and in particular cancer progression. For example, Wong et al states at page 19044 col 1;

Together these results suggest that Plexin-B1 has a role in prostate cancer progression.

Wong et al further state the following at page 19044 col 2;

Plexin-B1 is likely to be a key player in cancer invasion and metastasis and is a potential target for anticancer therapy.

Applicants argue that it is therefore evident that plexinB1 mutations are involved in the etiology of cancer. Applicants argue that the claimed methods could therefore be predictably used by one of ordinary skill in the art for identifying a compound as a putative anti-cancer agent.

Applicants' arguments have been considered, but have not been found persuasive because the evidence of Wong et al filed after final has not and will not be entered because Applicants has failed to provide good and sufficient reasons why it was not submitted earlier and thus the evidence therein has not been considered. Thus arguments based on the evidence in Wong et al. are moot and claims 106, 109, and 111 remain rejected for the reasons previously set forth.

Claim 106,109 and 111 remain rejected under 35 U.S.C. 112, first paragraph, for the reasons set forth in section 5, page 10 of the Office Action of 10/27/2008.

Applicants argue that the present amendment will obviate this rejection.

Applicants' arguments have been considered, but have not been found persuasive because the amendment has not been entered and will not be entered for the reasons set forth above, therefore the claims have not been amended and the rejections remain for the reasons previously set forth.